

NEBRASKA STATE BOARD OF HEALTH MEETING
MINUTES – January 25, 2021

ATTENDANCE NOTIFICATION. A regular meeting of the State Board of Health was called to order by the Chair, Dr. Doug Vander Broek, at 1:00 PM on January 25, 2021 via WebEx video conference hosted in Conference Room Licensure Unit 1 of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed electronically to board members and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present via video, telephone or in person: Joel Bessmer, MD; Russell Crotty, OD; Shane Fleming, MSN, RN; Michael Kotopka, DDS; John Kuehn, DVM; Mark Patefield, PharmD; Wayne Stuberg, PhD, PT; Robert (Bud) Synhorst; Timothy Tesmer, MD; Doug Vander Broek, DC; Joshua Vest, DPM; Jeromy Warner, PsyD, LP. Quorum met.

Staff and others attending: Matt Gelvin, Monica Gissler, Marla Scheer.

Board members not in attendance: Michael Hansen, FACHE; Diane Jackson, APRN; Daniel Rosenthal, PE; Dan Vehle

APPROVAL OF AGENDA. Dr. Vander Broek asked if there were any changes to the agenda for the meeting today and the minutes from November 16, 2020. Mr. Fleming made a motion to approve the agenda, seconded by Dr. Tesmer; voting yes: 12 (Bessmer, Crotty, Fleming, Kotopka, Kuehn, Patefield, Synhorst, Stuberg, Tesmer, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

UPDATES, REPORTS

Public Health and Licensure Unit – Ms. Wisell reported that staff have been busy with the flu vaccination program. As of last week, 85% of staff and residents from long term care facilities had been vaccinated for the first round. In February, DHHS Surveyors will start to be tested, including child care staff.

We have a new licensing information system – Licensing and Certification Environment or LANCE for short. It will be fully functional in May 2022.

The Licensure Unit has received 50 legislative bills so far for review. Ms. Wisell testified on LB 137.

Legislation – Mr. Bartels.

DHHS has two major bills: LB 273 for youth rehabilitation centers, and LB 296 for patient records for behavioral health centers.

There is a new system this year for submitting legislative letters or to testify in person.

Board of Health Chair – Dr. Vander Broek

1. Has anyone attended any professional board meetings that they would like to report on?
Diane Jackson attended the January 22nd APRN meeting.

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. When you arrive at the

meeting or join a virtual meeting, please make a point of introducing yourself to the Board staff and members.

2. The Governor appointed five new members to the Board of Health.
 - Russell Crotty, OD from Auburn, replacing Dr. Brightman
 - Michael Kotopka, DDS from Lincoln, replacing Dr. Low
 - Mark Patefield, PharmD from Laurel, replacing Dr. Borchert
 - Robert (Bud) Synhorst, public member from Lincoln, replacing Ms. Parsow
 - Dan Vehle from Omaha, replacing Mr. Trebbion
3. Thank you to the four members who have recently completed their service on the Board of Health: Kevin Borchert, Kevin Low, Debra Parsow, and TJ Teeter. I also want to thank Dr. Stuberger, who is attending his last meeting today. All five of these members went above and beyond, continuing to serve past their term ending date.
4. Under New Business today, we will discuss the Board of Health liaison role with professional boards. If you have not already identified two boards you are interested in serving as liaison for, please send that information to Monica.
5. Statements of Accountability and Disclosure will soon be due. Look for an email from Monica. They are due by March 1, 2021.
6. Dr. Tom Safranek will retire from the Department of Health and Human Services later this week after 30 years of service.
7. Later today we will elect a new Vice Chair for the Board of Health. If anyone wants to be added to the ballot, please email or text Monica ASAP.

Credentialing Review (407) Committee – Mr. Fleming, Committee Chair, presented.
<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

- The third meeting of the Medical Nutrition Therapy TRC was held on December 8, 2020. They are scheduled to meet next on March 9, 2021.
- The Music Therapists' technical review committee's first meeting will be on January 28th. Mr. Fleming will replace Dr. Low Chair the Technical Review Committee. Other meetings will be February 16 and March 16, 2021.
- Applied Behavior Analysts have made an inquiry about the process but have not submitted an application or a proposal.

Rules and Regulations Committee – Dr. Vest, Committee Vice Chair, reported. Regulations were reviewed with staff during the morning committee meeting.
<https://dhhs.ne.gov/Pages/DHHS-Regulations.aspx>

- 180 NAC 1 – General Provisions – Deb Wilson. These proposed describe the records, inspections, and tests required for all individuals who receive, possess, use, transfer, own, or acquire any radioactive material or radiation generating equipment

or naturally occurring radioactive material. The proposed changes remove duplicative statutory language from the regulations and update formatting.

- 180 NAC 3 – Licensing of Radioactive Material – Deb Wilson. These proposed regulations govern the licensing of radioactive material and the recognition of reciprocal licensing from another jurisdiction. The proposed changes ensure the regulation is compatible with the U.S. Nuclear Regulatory Commission regulations; correct typographical errors and incorrect references; and update formatting.
- 181 NAC 4 – Special Supplemental Nutrition Program for Women, Infants & Children (WIC Program) & the Commodity Supplemental Food Program (CSFP) Fair Hearing Procedures – Sara Morgan. This regulation describes the process for a fair hearing for applicants or participants who are the subject of an adverse action taken under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the Commodity Supplemental Food (CSF) Programs, including the rights and responsibilities of parties involved. The regulation clarifies the request process, notifications, timelines, and how benefits will be handled during pending requests. This version will bring the current regulations into alignment with federal regulations.
- 172 NAC 105 – Paid Dining Assistants – Dan Taylor. This chapter outlines the directions and training requirements needed in order to be a paid dining assistant and what requirements need to be in place to ensure residents of nursing homes are safely fed their meals.
- 172 NAC 15 – Alcohol and Drug Counselors – Kris Chiles. The Board of Health previously reviewed these regulations and approved them on June 15, 2020. The Attorney General's office has reviewed these regulations and has requested three minor changes before they will approve them.

Dr. Vander Broek asked if anyone wanted any of the regulations separated out for individual voting. Mr. Hansen made a Committee motion to approve all proposed rules and regulations with one collective vote. Voting yes: 12 (Bessmer, Crotty, Fleming, Kotopka, Kuehn, Patefield, Stuberger, Synhorst, Tesmer, Vander Broek, Vest, Warner; voting no: 0; not voting: 0. Motion carried.

- UCA Regulation Status Report. At the morning committee meeting, Dr. Vest and Kris Chiles reviewed the timeline for regulations going through the update process.

Professional Boards Committee. Dr. Warner, Committee Chair, reported. They conducted eight interviews by telephone in the morning meeting, and reviewed other applications. We continue to need public member applicants.

Pharmacy

Kevin Borchert, PharmD, from Lincoln will fill the partial term through November 30, 2021, replacing Dr. Svoboda.

Podiatry

Derek Miller, DPM, from Lincoln, will replace Dr. Rassfeld.

Public

Deborah Hoffnung, PhD, from Omaha will serve as public member on the Board of Veterinary Medicine and Surgery.

Dr. Warner made a Committee motion to approve four appointments. Voting yes: 12 (Bessmer, Crotty, Fleming, Kotopka, Kuehn, Patefield, Stuberg, Synhorst, Tesmer, Vander Broek, Vest, Warner; voting no: 0; not voting: 0. Motion carried.

We are still seeking public members for: Dentistry; Funeral Directors and Embalmers; Hearing Instrument Specialists; and Medical Nutrition Therapy, along with a few professional positions. The website will be updated.

<https://dhhs.ne.gov/licensure/Pages/Board-Requirements-and-Vacancies.aspx>

Public Health, Education and Legislation Committee: Dr. Kuehn, Committee Chair, reported. The Legislative session began January 6, and concludes June 10, 2021. The PHEL Committee held a conference call on January 21 to review introduced bills.

14	Blood	HHS	Adopt the Audiology and Speech-Language Pathology Interstate Compact.
15	Blood	HHS	Adopt the Occupational Therapy Practice Interstate Compact.
19	Kolterman	HHS	Change provisions relating to nail technology and body art.
53	Lathrop	Judiciary	Provide immunity for health care providers acting in conformance with the crisis standard of care during a COVID-19 state of emergency.
83	Flood	GOV/MIL	Change the Open Meetings Act to provide for virtual conferencing.
86	Bostelman	HHS	Require registration for the prescription drug monitoring system.
139	Briese	Judiciary	Adopt the COVID-19 Liability Protection Act.
183	Hunt	HHS	Adopt the Sexual Assault Emergency Care Act and provide for discipline against a hospital's license.
211	Murman	HHS	Adopt the Reflexologist Registration Act.
239	Hilkeman	TRANSP	Change provisions relating to the use of handheld wireless communication devices under the Nebraska Rules of the Road.
240	Hilkeman	TRANSP	Require use of occupant protection systems for each vehicle occupant.
263	Briese	GOV/MIL	Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction.
325	Albrecht	HHS	Adopt the Art Therapy Practice Act.

390	Murman (Req of Gov)	HHS	Provide for credentials based on reciprocity and change requirements for credentials under the Uniform Credentialing Act.
392	Stinner	HHS	Adopt the Prescribing Psychologist Practice Act.
401	Arch	HHS	Change references to state hospitals.
436	B Hansen	HHS	Change provisions of the Athletic Training Practice Act.
554	Blood		Adopt the Licensed Professional Counselors Interstate Compact

Call for vote on motion to approve the above listed legislative bills as Category 1 action bills - voting yes: Voting yes: 12 (Bessmer, Crotty, Fleming, Kotopka, Kuehn, Patefield, Stuberger, Synhorst, Tesmer, Vander Broek, Vest, Warner; voting no: 0; not voting: 0. Motion carried.

- #Public Health Recognition – Clinic with a Heart, submitted by Dr. Vander Broek. Clinic with a Heart provides free health care to people in Lincoln and the surrounding area who are uninsured and underinsured with hospitality, dignity, and grace. There are approximately ten free clinics held every month, and include medical, dental, vision, hearing, physical therapy, chiropractic, mental health and spiritual care. More information can be found at www.clinicwithaheart.org.

Call for vote on motion to approve - voting yes: Voting yes: 12 (Bessmer, Crotty, Fleming, Kotopka, Kuehn, Patefield, Stuberger, Synhorst, Tesmer, Vander Broek, Vest, Warner; voting no: 0; not voting: 0. Motion carried.

Approval of Committee Reports. Mr. Fleming made a motion to approve the Committee Reports, seconded by Dr. Warner. Call for vote on motion to approve - voting yes: Voting yes: 12 (Bessmer, Crotty, Fleming, Kotopka, Kuehn, Patefield, Stuberger, Synhorst, Tesmer, Vander Broek, Vest, Warner; voting no: 0; not voting: 0. Motion carried.

PUBLIC COMMENTS. None.

UNFINISHED BUSINESS. None.

NEW BUSINESS.

- Board of Health Member Attendance at Professional Board Meetings; Liaison Role – Dr. Vander Broek
- Election of Vice Chair for 2021. Candidates were Mr. Synhorst and Dr. Warner. Thank you to Dr. Warner for agreeing to serve as the 2021 Board of Health Vice Chair! Mr. Synhorst agreed to take over as Chair of the Professional Boards Committee.

Board of Health remaining meeting dates for 2021:

March 15

June 14

September 20, interviews on Sunday, September 19

November 15

TOPICS AND PREPARATION FOR NEXT MEETING. The next regular Board of Health meeting will be March 15, 2021 via WebEx / teleconference.

ADJOURN. There being no further business, Dr. Tesmer made a motion to adjourn, with a second by Dr. Warner; all in favor by voice vote. The meeting adjourned at 2:24 PM. Minutes were taken by Monica Gissler.
These minutes were approved by the State Board of Health on March 15, 2021.

NOTE: If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: monica.gissler@nebraska.gov.

Board of Health: <https://dhhs.ne.gov/licensure/Pages/Board-of-Health.aspx>

3/15/21, mcg